S.B. Civil Writ Petition No.6788/05

Prabhu Dayal Vs. State & Ors.

Date of Order : 03/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ashok Gaur, for petitioner

The petitioner was appointed as Police Constable after his selection vide order dt.14th August, 1987. Because of concealment of material information, he was served with the charge sheet and after holding inquiry, was found guilty and punished with removal from service vide order dt.24th February, 1994 [Ann.1]. Against which, writ petition was preferred, which was dismissed by this court and the Division Bench has also dismissed the appeal, reference of which has been made in Para 5 of the writ petition.

Counsel for petitioner submits that after the order of his removal from service has attained finality, the Government took a policy decision dt.20/11/02 [Ann.3] that those, who were facing criminal trial and finally acquitted after 1996 even there was concealment on their part at the time of entry into service, will be considered for appointment and in pursuance thereof, 112 persons were given appointment in terms of its policy. But, so far as the petitioner is concerned, despite representation and legal notice of demand for justice served, his candidature has not been considered.

In my opinion, removal from service has been examined by this court and find no illegality in the impugned decision dt.24/2/94, no further appeal was preferred by the petitioner, any change of decision of the Government at later stage will not recall the order which once attained finality.

I find no force in the writ petition and the same is, accordingly, dismissed.

Counsel for petitioner lastly submits that in view of policy, the petitioner may also be permitted to submit representation. In my opinion, the petitioner is always fee to submit representation, if so advised.

[Ajay Rastogi],J.

FRB